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Valuing Values: A Case for Reasoned Commitment

Martha C. Nussbaum*

I begin with two stories about values in a “postmodern world”—that is, a world in which the norms and standards by which people habitually guide their actions have come under attack, and the norms are suddenly seen to be nonnecessary, historical, and “all-too-human.” The first story is from Ancient Greece, where this assault on the normative began; it concerns the skeptical philosopher Pyrrho, the legendary author of the assault. It reveals, I think, both the intellectual deficiency and the ethical danger inherent in many versions of the postmodern assault on normativity. The second story comes from New York in 1991; it concerns a dramatic reaffirmation of commitment not only to values (which frequently may be local both in origin and in application) but also to *abstract* values that transcend any particular culture and that claim to apply to all human beings as such. It shows, I think, the ethical importance of such abstractions, despite their dangers.

STORY 1.

Pyrrho is on the deck of a ship at sea.¹ A storm comes up suddenly. The other passengers begin to rush around, filled with anxiety. Because they have not followed the advice of philosophy to suspend their normative commitments—because, we might say, they do not think that they live in a postmodern world—they have definite beliefs about what is good and what is bad, and attach considerable importance to those beliefs, as giving them good reasons for, as opposed to simply causing, action. So they try to protect themselves, their loved ones, their possessions—and they wonder anxiously what is best to do. Meanwhile, on the deck of the ship, a pig

* I am very grateful to Steven Winter and Pierre Schlag for arranging the panel, and to Cass Sunstein for comments on a previous draft.

1. The story is told in Diogenes Laertius's *Life of Pyrrho*, IX.66. All translations from the Greek are my own. I discuss the ancient Greek skeptics in detail in chapter 8 of *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (Princeton: Princeton University Press, 1994). I discuss some of the modern parallels in more detail in “Skepticism about Practical Reason in Literature and the Law,” *Harvard Law Review* 107 (January 1994): 714-44, hereinafter “Skepticism.”

goes on eating contentedly at its trough. Pyrrho points to the pig and says, "The wise person should live in just such freedom from disturbance."

STORY 2.

At the American Philosophical Association in 1991, the Committee on International Cooperation and the Committee on the Status of Women organized a panel on "Philosophy and Women in Developing Countries Today." Four philosophers, one each from Nigeria, India, China, and Mexico, were asked to discuss the role of philosophy in the struggle for women's equality in their respective countries.² My fellow American organizers and I had long been accustomed to subtle debates about the historical and contextual nature of ethical values, and about the inadequacy of abstractions that are divorced from history and context. Each of our four invited speakers—all of whom were involved in grass-roots feminist political work in their own countries—took a very different approach. The Nigerian philosopher, who appropriately found much to praise in her own tradition for the large role it gives women in productive economic activity and the related equal treatment of women with respect to nutrition and basic health care,³ compared her tradition positively with many other traditions in the developing world. She treated the values of equality and autonomy as separable from any particular tradition, and as useful in comparing one tradition with another. The other three speakers told a very different story, in which abstract values played an even more dramatic role.

In all three papers, produced independently of each other, one found the same arresting contrast. On the one hand, there was the traditional culture that gave these women their history and their context; this was a context very oppressive to women, as they easily demonstrated. (And they told stories that were all too similar, despite the great cultural differences that separate India from China, and both from Mexico.) On the other hand, there was the abstract ethical language of rights, justice, equality, and personhood—which they put forward proudly, in developing their feminist positions, and without the embarrassment that often attends such language in American philosophical circles. It was obvious that these women were not detached skeptics like Pyrrho. Rather, they had definite values: they

2. Three of the papers from this session are forthcoming in Martha Nussbaum and Jonathan Glover, eds., *Women, Culture, and Development* (Oxford: Clarendon Press, forthcoming 1995), hereinafter *Women, Culture*; Roop Rekha Verma, "Femininity and Personhood"; Xiaorong Li, "Gender Inequality in China"; Nkiru Nzegwu, "Recovering Igbo Tradition: A Case for Indigenous Women's Organizations in Development." See also, in the same volume, Marty Chen, "A Matter of Survival: Women's Right to Employment in India and Bangladesh"; and Margarita Valdes, "Inequality in Capabilities between Men and Women in Mexico."

3. For the data, see United Nations Development Program, *Human Development Report 1993* (New York: Clarendon Press, 1993). For a good treatment of the sub-Saharan record on nutrition, see Jean Dreze and Amartya Sen, *Hunger and Public Action* (New York: Clarendon Press, 1989), 46-61; and for a selection of pertinent data, see my "Introduction" in *Women, Culture*.

seemed to think it important to refer to values that were very abstract and that transcended their particular culture. They seemed to think it possible to refer to and defend these values in political argument without espousing any transcendent religion or otherworldly metaphysical entities. (Indeed, they were all passionate secularists, which was not surprising, given the role of traditional religion in the oppression they described.) For philosophers Roop Rekha Verma from Lucknow, Laura Mues from Mexico City, and Xiaorong Li from Beijing, abstract values meant the possibility of liberation, whereas contextuality—at least of a local or traditionalist variety—meant continued oppression by the status quo. In short, neither they nor Nkiru Nzegwu, who was more friendly to her tradition, conceded that they lived in a postmodern world, where “postmodern” means a world in which we renounce commitments to abstract norms as giving us good and justifiable reasons for conduct, which may be radically at odds with conventions and customary practices. They did not find themselves driven as philosophers to that conclusion; nor, clearly, did they think it a conclusion with which they could live.

In the following remarks I look at the moral of each of these stories for the status of our current debate about values. In discussing the first, I explain why we need evaluative argument and reasoned evaluative commitments in social thought, and why neither the ancient skeptics nor the modern deconstructionists have given us reason to suspend commitment to values as rationally justifiable. Then I turn to my second story and to the more difficult question, the question of abstraction, and I shall perhaps surprise my audience, and even myself, by offering a defense—a limited defense, but a defense all the same—of the role of abstract values in ethical argument. But before I address the main issues, I raise some points of philosophical clarification.

I

The title of this panel is “Human Values in a Postmodern World.” I find this title slightly puzzling for two reasons. First, the title implies that a decisive shift in ethical argument about value has occurred very recently and that the major players in this shift are the “postmodernists,” by which I suppose one means above all the deconstructionists. But really this debate about the ground of our normative commitments—whether it is to be found in this world or in some other world, and whether there is any good ground at all—goes back to the ancient Greeks,⁴ and can also be found in a very similar form in ancient Indian philosophy.⁵ In its modern

4. I discuss this debate in “Sophistry about Conventions,” in *Love’s Knowledge: Essays on Philosophy and Literature* (New York: Oxford University Press, 1990), 220-29.

5. See Bimal K. Matilal, *Perception: An Essay on Classical Indian Theories of Knowledge* (Oxford: Clarendon Press, 1986).

Western form, in which the principal target is the world-view of Christian metaphysics, the debate is as old as Kant,⁶ and in most important respects Kant's arguments still have not been surpassed.

Second, I am puzzled by the title because it suggests that we all know what world we are living in, that all the big philosophical problems about realism and antirealism have not only been resolved, but resolved in favor of a form of cultural relativism defended in postmodernism. But this is far from being the case. The modern philosophical debate about the ground of value is complicated. It is closely linked to larger questions about the ground of scientific judgments, and thus to highly technical debates in, for example, the philosophy of physics, concerning the interpretation of quantum mechanics. Other very detailed arguments concern the nature of linguistic reference. The major players in this debate—and I will stick my neck out here by saying that I think the deconstructionists are minor bit players—differ on many of the most important issues. Positions on the question of whether our judgments are about a world that is independent of human interpretation range all the way from the modified realist view of Donald Davidson, who takes the rather Kantian position that all rational discourse presupposes a single conceptual scheme;⁷ through the more elastic position of Hilary Putnam, who argues that multiple world-interpretations are defensible both in science and in ethics, but that we can still justify some views as better than others without cultural relativity;⁸ through the more robust pluralism of Nelson Goodman, who argues that multiple world-views are all empirically adequate, but that there are many constraints on the adequacy of a world version;⁹ on to the more sweeping relativisms of W.V.O. Quine¹⁰ and Richard Rorty.¹¹ The issue is complicated by the fact that advocates of different positions in this debate, in particular Putnam and Rorty, call themselves “pragmatists” and trace their arguments to the work of William James and John Dewey,¹² while being very much at odds over what they take James and Dewey to be up to. There is no way of short-circuiting the job of working through these

6. Immanuel Kant, *Critique of Pure Reason*, trans. Norman K. Smith (New York: St. Martin's Press, 1965).

7. Donald Davidson, *Inquiries into Truth and Interpretation* (Oxford: Clarendon Press, 1991).

8. Different stages of Putnam's development away from metaphysical realism can be traced in Hilary Putnam, *Meaning and the Moral Sciences* (London: Routledge, 1979); *Reason, Truth, and History* (Cambridge: Cambridge University Press, 1981); *Realism and Reason* (Cambridge: Cambridge University Press, 1983); *The Many Faces of Realism* (La Salle: Open Court, 1988); and *Realism with a Human Face* (Cambridge: Harvard University Press, 1991).

9. See Nelson Goodman, *Ways of World-Making* (Indianapolis: Hackett Publishing, 1978); Nelson Goodman and Catherine Z. Elgin, *Reconceptions in Philosophy* (Indianapolis: Hackett Publishing, 1978).

10. See especially W.V.O. Quine, *Ontological Relativity and Other Essays* (New York: Columbia University Press, 1969).

11. Richard Rorty, *Consequences of Pragmatism* (Minneapolis: University of Minnesota Press, 1982); *Contingency, Irony, and Solidarity* (New York: Cambridge University Press, 1991).

12. For Rorty's pragmatism, see *Consequences*; for Putnam's, see especially his “Pragmatism and Ethical Objectivity,” forthcoming in a new collection of his papers, and in *Women, Culture*.

arguments and making up one's own mind about what arguments one takes to be the best. The postmodern version of the debate does not seem to me to do this. Before advancing the argument that I take to be the best, it seems to me, after reading Steven Winter's and Pierre Schlag's papers, that some central terms need more philosophical clarification.

Professor Winter claims that "objectivity" is undermined by postmodern arguments.¹³ In addition to my more general worry about that way of characterizing where we are, I think that this very much depends on how one defines "objectivity." The "objective" is opposed to the "subjective"; but how is it opposed? If one defines the objectivity of a judgment as validity totally independent of what any human thinks or judges, then of course any of the historicist views I have mentioned, even Davidson's, undermines that sort of objectivity for values. But objectivity is frequently defined differently, by contrast to the "subjective," or unreflective and unsorted beliefs and preferences people happen to have. The objective is what has passed certain tests of reflective scrutiny, and of course that need not have anything to do with extra-human or extra-historical standards of value.¹⁴ We need more clarity concerning what has and has not been undermined, and by what argument.

There is a similar problem with the term "contingency."¹⁵ The contingent is that which may be otherwise. It is opposed to the necessary. But in what sense? Is the necessary that which is fixed immutably in the fabric of the universe, altogether apart from human history, or is it that which is in some way necessary for human thought and life? If values are human and internal to history, this does not mean that we cannot show that some values are necessary for any human society to exist, perhaps even necessary in order for us to think and speak at all. Nietzsche, the hero of the postmodernists, argued, following Kant, that certain beliefs were "necessary for life," and in that sense not at all contingent.¹⁶ It muddies

13. Steven Winter, "Human Values in a Postmodern World," *Yale Journal of Law & the Humanities* 6 (1994): 234 ("the lack of objective foundations"), 235 ("the distorting grip of these objectivist assumptions"). This sort of denial is ubiquitous in poststructuralist writing. For some characteristic examples, and a reasoned critique, see Louise M. Antony and Charlotte Witt, eds., *A Mind of One's Own: Feminist Essays on Reason and Objectivity* (Boulder: Westview Press, 1993), xiii ff.

14. For one striking example of this, see Hilary Putnam, "Objectivity and the Science-Ethics Distinction," in Martha Nussbaum and Amartya Sen, eds., *The Quality of Life* (New York: Clarendon Press, 1993), 143-57.

15. See Winter, "Human Values," 233 ("the recognition of contingency"), 235 ("postmodernism's most profound contribution is its radical insistence on contingency").

16. A typical example, is Nietzsche's argument that without judgments such as those involved in logical inference "man could not live." Friedrich Nietzsche, *Beyond Good and Evil*, trans. Walter Kaufmann (New York: Vintage, 1966), sec. 4. See also Nietzsche, *The Gay Science*, trans. Walter Kaufmann (New York: Vintage, 1974), sec. 110-11, 121. Nietzsche argues that the "tyranny" of rules is necessary for "all there is or has been on earth of freedom, subtlety, boldness, dance, and masterly sureness, whether in thought itself or in government, or in rhetoric and persuasion, in the arts as in ethics." *Beyond Good and Evil*, sec. 188. He continues, "What is essential 'in heaven and on earth' seems to be, to say it once more, that there should be *obedience* over a long period of time and in a *single* direction. . . . Consider any morality with this in mind: what there is in it of 'nature' teaches

the waters to use the word "contingency" without saying what position on this question one does or does not hold.

II

In an earlier paper that Steven Winter cites,¹⁷ I argued that getting rid of transcendent standards does not mean getting rid of good reasons, and that only someone all too much in the grip of the transcendent would be inclined to say this, someone for whom there are no ethical reasons unless they are given from outside.¹⁸ I have said that we can have evaluative arguments that have force, showing that some positions are better and some worse, without the transcendent standards that we never had anyway. I believe that in saying this I am in at least partial agreement with Professor Winter, who insists that the "postmodern world" is not nihilistic, or lacking in constraints.¹⁹ Now, in order to understand this point better, I want to pause to examine the skeptical strategy that led to the behavior of Pyrrho on the deck of the ship, where the pursuit of clear and certain criteria for evaluation leads to the collapse of all evaluation.

I shall scrutinize the skeptical strategy by asking how it would handle one problem that was central to all the women on the APA panel, a problem that preoccupies me in my thinking about international development: the question of women's right to work. Let me illustrate the problem with an example that was central to Marty Chen's articulate study of the question.²⁰ Metha Bai, a young widow in Rajasthan, needs to take a job outside the home if she and her children are to have enough to eat. Since she belongs to a social caste that forbids women to work outside the home, her in-laws strenuously oppose her plan; they beat her if she tries to go out. They prefer the ill-health and possible death of Metha Bai and her children to the shame they would incur through her working. Interviewed by Chen, she summarized her predicament as follows: "I may die, but I cannot go out." It would appear that this is a case that calls urgently for moral stand-taking.

Let me now illustrate the procedure of the ancient skeptics; in a moment I shall show that they have numerous descendants on the contemporary

hatred of the *laissez aller*, of any all-too-great freedom. . . ." Ibid.

17. Nussbaum, "Sophistry about Conventions." In that paper my target was Stanley Fish. His new book, *There's No Such Thing as Free Speech and It's a Good Thing Too* (New York: Oxford University Press, 1994), 3-28, 307, continues the same line, reducing all reasons to causes and holding that all evaluation is the arbitrary outcome of causal forces. I critique this argument in "Skepticism."

18. A more detailed account of the issues discussed in this section can be found in Nussbaum, "Skepticism."

19. Winter rejects the idea of "an alarming and intolerable nihilism," arguing instead that "[t]he lack of objective foundations does not translate into freedom from constraint. . . ." Winter, "Human Values," 233-34.

20. See Marty Chen, "A Matter of Survival: Women's Right to Work in Rural India and Bangladesh," in *Women, Culture*.

scene. First, they produce a belief, and for these purposes I shall stick to evaluative beliefs, although in fact they do this across the board with all beliefs.²¹ Let us say, sticking with an example actually used in the ancient texts, that it is the belief that incest is a bad thing. The skeptics then produce from somewhere or other the opposite of this belief, showing that it is held by somebody or other. Thus, the first belief is not uncontested. In this case, they produce the practice of incest in the Egyptian royal family, in order to show that someone thinks incest is a good thing.²² Faced with the conflict of opposing beliefs, the follower of Pyrrho feels their "equal weight." There seems to be nothing to do, then, but to suspend commitment to both of them because we have available to us no criterion for sorting things out that itself commands universal agreement. And this suspension, the ancient Greek skeptics note, produces a delightful state of freedom from disturbance, like the calm after the storm.²³ They add that it is this security and freedom from disturbance that ethical people wanted from their ethical commitments and values anyhow; however, since no values are ever uncontested, no values really bring this calm.²⁴

Faced with the case of Metha Bai, how would the skeptic proceed? Let me imagine that Marty Chen, the fieldworker who interviewed her and described her case, is such a skeptic. The skeptical Chen would take note of Metha Bai's predicament and her beliefs, registering the fact that some women think that women need the right to work outside the home. She would also take note of the prevalent and deeply entrenched beliefs of upper-caste Indians, to the effect that it is terrible and shameful for women to work outside the home. Faced with this evident conflict of opposing beliefs, Chen would suspend judgment, because it would appear that there is something like equal weight on both sides. This suspension of judgment leads to a state of freedom from disturbance. Chen, who was initially inclined to be upset about Metha Bai, no longer feels the disturbing temptation to get involved in her predicament, since she understands that there is no resolving the matter. She can go her way unaffected.²⁵

21. The relevant ancient texts are in Diogenes Laertius, *Life of Pyrrho*. See the Loeb Classical Library edition, *Lives of the Philosophers* (Cambridge: Harvard University Press, 1936), and Sextus Empiricus, *Outlines of Pyrrhonism* and *Against the Professors*, gathered in the Loeb Classical Library edition of Sextus (Cambridge: Harvard University Press, 1933). The translation given in the Loeb of Sextus is highly defective, so the reader should consult the extracts available in Julia Annas and Jonathan Barnes, eds., *The Modes of Skepticism* (Cambridge: Cambridge University Press, 1985), and Anthony A. Long and David Sedley, eds., *The Hellenistic Philosophers*, vol. 1 (Cambridge: Cambridge University Press, 1987), 1-24, 468-88.

22. See Sextus, *Outlines*, III.234.

23. Sextus, *Outlines*, I.8.

24. Sextus, *Outlines*, I.25. For detailed analysis and further references, see chap. 8 of *Therapy* and "Skepticism."

25. This example is very close to some produced by Sextus, who mentions the pain people have when they look at the suffering of others, and holds that this pain would be removed if we understood that the belief that the person's condition is bad can, like other beliefs, be countered by an opposing belief.

The detached skeptic will continue to act, but she will realize that motives for action are just behavioral causes that derive from her feelings and habits and from the customs and conventions and practices of her society, as well as—Sextus Empiricus adds—the habits of the profession in which she was trained. She will realize that there is no justifiable ground for commitment to any of them, though she may continue to feel bound by them as causes. What this means is that Marty Chen can continue on with her professional activity of doing fieldwork and writing up its results; she can even follow her own entrenched habits, helping others to the extent to which it is habitual to do so, though she will cease to feel that this help is demanded by a moral principle to which she is committed. This is likely to have consequences in action: without a sense of urgency about the moral commitment, one will be less likely to undertake ambitious, costly, or risky action for the sake of doing something about Metha Bai's predicament. It may be questioned whether, if a skeptic, Marty Chen would ever have found herself in a rural village in India in the first place, given that her profession can be exercised in other, more comfortable surroundings. The moral commitment that drives her to undertake hardship cannot be removed, it seems, without affecting the pattern of her choices. I can add that skepticism would alter her writing as well, for in the writing of the real-life Marty Chen one feels a powerful compassion and anger at the injustices faced by women such as Metha Bai. If informed by skepticism, this disturbed style of writing would be replaced by a style more detached, distant, or even playful.

The ancient skeptics have their modern followers. They do not characteristically call themselves skeptics, but this is on the whole because they associate the term with modern epistemological skepticism, and not with the very different strategy of the ancient skeptics, which is really quite close to their own. The modern skeptic simply attempts to drive a wedge between knowledge and belief; the ancient skeptic wants people to suspend all their commitments, especially normative commitments. What is especially strange is that people who think of themselves as occupying very different political commitments join hands in following the general skeptical path. On the left, we find versions of this argument, for example, in both Jacques Derrida²⁶ and Stanley Fish. To focus on the example that is most pertinent to the law, Fish's article "Anti-Professionalism"²⁷ announces that we would have good reasons for an evaluative judgment only if we had both universal agreement and criteria that transcended human history. Lacking this, we must simply follow the practices of the

26. See "Skepticism" for a treatment of the complexities of this case.

27. In Stanley Fish, *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies* (Durham: Duke University Press, 1989); see also the related account in Fish, *There's No Such Thing as Free Speech*.

professions in which we are trained, viewing these as causes of action rather than as giving sound reasons for action. This manifestation of power takes the place of our old notions of fitness and rightness. (Note that for Fish we are still “committed” in the sense that we follow the forces that bear in on us. In this he is more like the ancient skeptics who insist that skepticism does not change very much how people act, than like those who point to some radical changes that might follow the suspension of full-fledged commitment.)

On the right, we find a very similar pattern of argument. We find it in many writers of the law-and-economics movement, who follow Milton Friedman’s famous dictum that concerning matters of value “men can only fight,”²⁸ and that matters of evaluation are irretrievably arbitrary and subjective. I could also talk about Richard Posner here,²⁹ but his position is too complex to pin down quickly. But the skeptical strategy emerges with particular clarity in Robert Bork’s *The Tempting of America*,³⁰ in a chapter arguing against the idea that judges are entitled to invoke substantive moral principles in constitutional interpretation. Bork criticizes the Supreme Court’s decisions on contraception, especially *Griswold v. Connecticut*.³¹ He begins as the deconstructionists frequently begin, by demanding universal agreement as the criterion of acceptability for an ethical principle. No principles, of course, pass the test.³² Without further ado, Bork concludes that all ethical evaluation is arbitrary; the evaluator is “adrift on an uncertain sea,” with “no principled way to make the necessary distinctions.”³³ All attempted persuasion in ethics, Bork now claims, is really seduction. (Bork evidently has a rather low opinion of seduction, which he takes to be altogether independent of reasons or true needs or even good taste.) Bork concludes that cases that raise complex moral issues should be handled by suspending judgment and turning things over to the play of forces—in this case, to a majority vote—understood as Bork understands voting, as simply the aggregation of subjective preferences.³⁴

Although Bork plainly announces that he himself has strong ethical convictions, he treats them as he does the convictions of others, i.e., as (strong) preferences, which simply get weighed in along with other

28. Milton Friedman, “The Methodology of Positive Economics,” in Daniel M. Hausman, ed., *The Philosophy of Economics* (Cambridge: Cambridge University Press, 1984), 212. The essay was first published in *Essays in Positive Economics* (Chicago: University of Chicago Press, 1953). In the original version, the word “ultimately” occurs between “can” and “only.”

29. See, for example, Richard Posner, *The Economics of Justice* (Cambridge: Harvard University Press, 1981); and *The Problems of Jurisprudence* (Cambridge: Harvard University Press, 1991).

30. Robert Bork, *The Tempting of America: The Political Seduction of the Law* (New York: Simon and Schuster, 1990), chap. 12.

31. 381 U.S. 481 (1965).

32. Bork, *Tempting of America*, 254, 257-59.

33. *Ibid.*, 252, 258.

34. *Ibid.*, 259.

preferences in arriving at the social outcome. The net result of these statements is that Bork—though he might think himself to be making a point about the limits of judicial action rather than a point in moral philosophy—has actually taken a strong and controversial position in moral/political philosophy. Namely, Bork's position is one that is skeptical about the role of reasons in showing one moral or political position to be on stronger ground than another; thus, for Bork, social choice is and should be nothing other than the aggregation of all the actual preferences of social agents.

With the left and right thus joining hands in a surprising way over the characterization of our "postmodern" predicament, it is no surprise that we actually find a recent book that fuses the strategies of the two groups: *Contingencies of Value*, by Barbara Herrnstein Smith.³⁵ Smith is a colleague of Fish at Duke, and clearly defines herself as on the left, and yet her book cites among its main sources of intellectual authority the writings of Gary Becker and George Stigler.³⁶ In fact, we find in Smith what was bound to occur sooner or later, given the skeptical convergence I have described: the birth of an all-American, Chicago-school economic postmodernism. Here is how the argument goes: we cannot find either universal agreement or transcendent extra-historical standards in matters of value. Therefore, we have no principled way of adjudicating disagreements. Because there is no way of adjudicating our disagreements and everything is contested, our talk about evaluation must be understood using the idea of the market, and viewing people who make value judgments as rational maximizers of their abilities. But rationality, once again, is understood as a psychological condition that causes actions, a way "men" have of "fighting," and not as something that gives good, justificatory reasons for action.

What is wrong with these arguments? Returning to Metha Bai and Marty Chen, I shall point to three serious difficulties: an unrealistic goal, loaded dice, and the fact that freedom from disturbance is presupposed as the goal.³⁷ First, the skeptics, both ancient and modern, demand nothing less than universal agreement as the criterion of acceptability for a normative principle. If we come up with anyone at all who believes the contradictory of a given proposition, this is sufficient to get us started on the road that ends up in suspension of commitment. But why should we think this? There are many different reasons why people have the beliefs they have; many of these are bad reasons. It is only because the skeptic has already given up on the distinction between reasons and causes that all

35. Barbara Herrnstein Smith, *Contingencies of Value: Alternative Perspectives for Critical Theory* (Cambridge: Harvard University Press, 1988).

36. See *ibid.*, 191-92, and chap. 6.

37. For more detail, see "Skepticism."

values look equal. The skeptic is not supposed to be assuming this distinction, but showing it. Until the skeptic has shown it, we should not be troubled by the fact that Egyptians like incest (if they do) or that some people love cannibalism. Such facts have no weight, independently of the reasons and arguments that are given for holding the belief.

If we consider the case of Metha Bai, we see this rather clearly. Hardly ever, when social injustice and hierarchy are present, will we find universal agreement about a project of reform. It is no surprise that Metha Bai's in-laws do not agree with her; it was no surprise when whites in the South opposed the Civil Rights movement. In these cases, a claim of justice and human need conflicts with a claim based on prejudice and entrenched power. In real life, we do not hesitate to make these distinctions, nor do we hesitate to say that the reasons Metha Bai gives for working are weightier, more deserving of respect, than the reasons the in-laws give for forbidding her to work. The absence of unanimity in no way prevents moral argument from reaching a conclusion.

We now can notice the second serious difficulty with the fused left and right characterization of the postmodern predicament: the skeptic really does not bring forward arguments that are equal in force on both sides of all questions. The movement from assertion and counter-assertion to suspension is rigged by ignoring arguments with good, strong human credentials that really do help people decide in life for one view as against another, even in the absence of universal agreement. It is because the skeptic has set the goal so unreasonably high that these humble human arguments are of no interest to him or her. The skeptic assumes, in the act of constructing his arguments, a stance of detachment from commitment that is supposed to be the outcome of the arguments, not their prerequisite. It is only because the skeptic stands back so far, refusing to be swayed by reasons in the usual human way, that each claim seems exactly as strong as its contradictory.

Again, think of the skeptical Marty Chen. Why has she concluded that the arguments of Metha Bai and her in-laws have equal weight? (To the real-life Chen, this is not at all how things seem.) It is because she has antecedently refused involvement, refused to assess these arguments against any moral beliefs or commitments of her own. Standing back from them, she has seen them simply as one argument clashing against another argument, and, seen in this way, they really do appear to have equal weight. That suspension of commitment was supposed to be the outcome of the argument, not its prerequisite.

What explains this departure from our usual human immersion in the strength of reasons? The ancient skeptics are very forthright about this: it is the allure of freedom from disturbance, the goal to which detachment from normative commitment allegedly leads. They announce that they deliver reliably a goal that everyone wants, but committed people all too

rarely get, and they allow their commitment to this goal to order the whole enterprise, carefully devising antithetical arguments so as to bring themselves into detachment about any proposition whatsoever. Modern skeptics and their relatives are less forthright about this—but in Derrida's allusions to the pleasure of "free play"; in Fish's evident pleasure in the way the power of the profession takes its course, revealing some as high-salaried, others as poor; in the economist's preference for low decision costs; in Bork's preference for turning things over to the majority—we see clear analogues to the ancient commitments. The skeptical Marty Chen I have imagined seems to be eager not to get too close to the people she studies, eager to avoid the disturbance of being involved in their predicament. She assumes the detached posture of an onlooker watching the play of forces because the cost of immersion and concern would be too great a disturbance.

But then, first of all, there seems to be an internal inconsistency in the skeptical procedure. Even though both ancient and modern skeptics deny all normative commitments, they have to have a more than chance commitment to this one end, since it is this end that governs their whole procedure of argument, including the decision to turn skeptic in the first place. What, we may ask, is the ground of *this* commitment? Why did the fictional Marty Chen do her field work in the detached skeptical way, rather than in a more compassionate way?

Secondly, we notice that the skeptic has, by pursuing this goal, omitted something very fundamental to human life, namely the disposition to make ethical commitments and to get upset about them. Once again, the ancient skeptics are forthright about this. Pyrrho emulates the undisturbed pig on the deck of a ship. On another occasion, he was confronted by a fierce dog, and found himself committed to the normative belief that it was a good thing to get out of there. He remarked—presumably while running—"How difficult it is entirely to divest oneself of the human being."³⁸ We see this divestment clearly in the decision of the fictional Marty Chen to study women in India without the disturbance of compassion. In her detached posture toward the argument between Metha Bai and her in-laws, we feel the absence of an important ingredient of humanity.

I believe that a similar divestment occurs in the writings of Fish, Smith, and Bork and the economists, and that it is therefore disingenuous of them to claim to be returning us from transcendent authority to natural human practices. Natural human practices are full of moral argument and moral stand-taking; it is precisely *not* natural to view arguments of the Metha Bai sort as simply the play of contending forces.

38. Diogenes Laertius, *Life of Pyrrho*, IX.66.

It seems, furthermore, that we might not want to live in the world these skeptics would give us. In that world there may be no fear of shipwreck and no terror of barking dogs, but as Sextus Empiricus makes clear, there would also be no commitment to fight for justice against a tyrant's pressure, no commitment to engage in any sort of unpopular or radical reform, no commitment to help a friend in trouble when help would impose difficulty, and no commitment to help Metha Bai in her struggle for survival. The story goes that one day Pyrrho's colleague Anaxarchus fell into a swamp. Pyrrho sees him floundering, but walks on by without helping. When others start criticizing him, Anaxarchus (by this time, let us hope, out of the mud) praises Pyrrho's lack of normative commitment.³⁹ Even so, we can imagine the fictional Marty Chen, who walks away from Metha Bai, winning the praise of Stanley Fish. Fish, by way of characterizing his theoretical position, describes himself as the sort of character who cannot remember a commitment for more than a few hours.

III

All this shows us that we had better hesitate before we try to do without commitments to definite values and without the practices of justifying and reason-giving. It doesn't yet show that we should favor the abstractions described so vividly by Pierre Schlag. As Schlag argues, abstractions frequently serve to conceal the historicity and humanity of values, and thus make us think we are bound by them even when it might be best for us to reexamine and alter our commitments.⁴⁰ Nevertheless, I want to take on the difficult task of saying something on behalf of *abstract* values. In the process, I shall use examples from Plato, where the push to the abstraction Schlag describes got going in the Western tradition, and I shall also, as before, use the example of Metha Bai and Marty Chen.

What, then, is abstraction good for in value-talk? Or, to put things Nietzsche's way,⁴¹ what is the value of these values? I suggest four roles that the creation of detached and to some extent acontextual norms might play in ethical life.

A

First, and most obviously, there is the point developed by Pierre Schlag: sometimes, indeed, the appeal to abstraction is a way of stopping

39. Ibid., IX.6.

40. Pierre Schlag, "Values," *Yale Journal of Law & the Humanities* 6 (1994): 219, 224.

41. See, for example, Friedrich Nietzsche, *On the Genealogy of Morals*, trans. W. Kaufmann (New York: Vintage, 1967), preface section 3:

[U]nder what conditions did man devise these value judgments good and evil? *and what value do they themselves possess!* Have they hitherto hindered or furthered human prosperity? Are they a sign of distress, of impoverishment, of the degeneration of life? Or is there revealed in them, on the contrary, the plenitude, force, and will of life, its courage, certainty, future?

debate by saying that there is something unchanging out there, and we are bound by it. To his son, who proposes to beat him, Aristophanes's character Strepsiades points to the laws of the external (as he thinks) value-order. The son points out that this is a human order, and, since he is a human being, he can make a new order. It might have been better for this son to have gone on believing in the external.⁴²

This order-giving role for abstract values is defended not only by old metaphysical types, but by some of the postmodernists themselves. Many philosophers who actually think values are historical and contextual also think that it is dangerous to let people recognize this, because if they do they will not feel as bound and will have a tendency to behave badly. This argument has been made in different ways by Nietzsche⁴³ and by Charles Taylor,⁴⁴ both of whom are inclined to believe that people will not prove capable of reliably binding themselves to a moral way of life without the belief (even if false) that there is an order "out there" commanding their actions.

I am more optimistic than either of these philosophers about the possibility of a human rational community. I believe that we have a number of attractive models for the rational justification of core political values available in modern moral/political philosophy. These models include, but are not limited to, those offered by the American pragmatists, by the Kantian/liberal tradition as exemplified in John Rawls's *A Theory of Justice*, by the theory of communicative action developed in the work of Jürgen Habermas, and by the view of human capability and functioning developed by Amartya Sen.⁴⁵ These views differ, but in some especially crucial ways they overlap; above all, in their strong defense of political liberty and autonomy. I see no reason to think that argument among partisans of different views has come to an impasse in our democracy; the convergence among the views I have just mentioned, and between all of

42. Aristophanes, *Clouds*, ed. Kenneth J. Dover (Oxford: Clarendon Press, 1972).

43. Consider especially the essay "On Truth and Lying in the Extra-Moral Sense," in which Nietzsche argues that coherent discourse would not be possible if we were at all times aware of the human origins of our distinctions and categories. *Gay Science*, sec. 111 argues in a related way that lack of awareness of the noncorrespondence of our categories to any immutable and ahistorical reality is highly functional: "At bottom every high degree of caution . . . and every skeptical tendency constitute a great danger for life." See also *Gay Science*, sec. 121 ("We have arranged for ourselves a world in which we can live—by positing bodies, lines, planes, causes and effects, motion and rest, form and content; without these articles of faith nobody now could endure life."). On the special danger posed by awareness of the "death of God," see *ibid.*, sec. 125, in which the speaker doubts that human beings will be capable of ordering their own ethical lives without the illusion of an externally given order. This is the worry developed in the final section of Charles Taylor's *Sources of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1989).

44. See Taylor, *Sources of the Self*, chap. 25.

45. On the pragmatists, see Hilary Putnam, "Pragmatism and Objectivity," in *Women, Culture*; John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1991). See also John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993); Jürgen Habermas, *A Theory of Communicative Action*, trans. T. McCarthy (Boston: Beacon Press, 1987). Among the works of Amartya Sen, see especially *Choice, Welfare, and Measurement* (Oxford: Blackwell, 1982).

these and some core features of the American constitutional tradition, gives us reasons for optimism. And recent reflections on the structure of moral justification among persons who disagree has supported that optimism further.⁴⁶ There is no way of briefly indicating the arguments I have in mind; a sketch would be a parody, omitting the subtleties of comparison that would make the convergence interesting. I therefore simply state the belief that those postmodernists who dismiss the whole idea of getting agreement on values have done so prematurely, usually without working through such arguments as I have mentioned.

Let me return here to Metha Bai. We find in her case that much of the trouble comes from a certain sort of abstraction, which for far too long has bound people's behavior as if from without. Far from ordering beliefs in a fruitful way, the Hindu caste system, thought of as "out there," simply fortifies people's resistance to legitimate human claims. If we were to remove from these caste norms their sense of externality, we would not, I believe, have a standoff. We would be able to present a very powerful moral argument in support of Metha Bai's claim to work. This argument would make use of nontranscendent abstractions such as the right to food, personhood, and autonomy. Even if we could not persuade the actual in-laws of Metha Bai—for they are probably using her for their own selfish ends and are not really interested in engaging in argument—we could convince the local government, or the local development authority, that Metha Bai's autonomous choice to work should be respected. Getting rid of the alleged authority of the transcendent will permit the good human abstractions to have their full argumentative weight.

B

To appeal to an abstraction such as Justice or Personhood is a way of saying that we are appealing to standards that are above and beyond our momentary whims and preferences. We are expressing a commitment not to be ruled by whim and preference. We are saying that there is something very important that binds us, whether we feel like it or not. In effect, we are expressing a mistrust of the preference or desire of the moment, whether our own or that of others. We are recognizing that these preferences may have been deformed by lack of information, by greed, by appetite, by many things that do not represent the best of which we, and our reflection, are capable. This clearly need not mean that the abstract standard is extra-historical. It can be a way of talking about the gap between a deep layer of reflection and a superficial impulse. When Plato's Cephalus says that Justice is telling the truth and paying back what you

46. See especially Richard Miller, *Moral Differences* (Cambridge: Cambridge University Press, 1992).

owe,⁴⁷ he means that you do it, even when you do not feel like it, because you have endorsed this norm at a level of your personality deeper than the way you happen to feel.

To put this point slightly differently, speaking abstractly can be a way of expressing the special reverence and awe with which we regard certain ethical norms. We picture them as if they stood outside of us, even though in a sense we are well aware that they stand within us, so that we can express our wish to be bound by them at all times, even when we wish to do otherwise. One of the most famous and moving examples of this attitude is the conclusion of Kant's *Critique of Practical Reason*, where he writes: "Two things fill the human mind with ever-increasing awe: the starry sky above me and the moral law within me."⁴⁸ Kant here explicitly denies that the moral law is external. What he says is that he regards its presence in himself *with the same awe* with which he views the heavens. Similarly, in the passage that is probably the source for Kant's imagery here, Seneca writes to his friend Lucilius that the Stoic, unlike conventional religious people, has no need of worshipping at a shrine or imploring a statue: "The god is near you, with you, inside you. This is what I'm telling you, Lucilius: a holy spirit sits inside of each of us . . . and as it is treated by us, so it treats us."⁴⁹ The letter continues with a moving and beautiful comparison of the inside of a person's moral world to a deep dark grove full of ancient trees, which inspires awe by its depth, loftiness, and solitude. Talk of abstract values can be signals of this sense of divinity.

Thus the appeals to Justice and Personhood that I encountered so frequently in the writings of my panelists at the APA session, recording judgments based on the experience of hierarchy and injustice, were ways of saying to their society: "We will not allow ourselves to be ruled by people's unexamined habits and preferences. We claim the right to be ruled by something above that, something more worthy of the respect of all reasonable people." It is no surprise that such appeals to abstract values are especially common when an oppressed group is attempting to vindicate its claims against entrenched tradition and hierarchy.

Moreover, when a value so respected clashes with another one that is equally deserving of our respect—let us say, Justice with Liberty—we cannot dispose of its claim lightly, nor reduce it to merely a quantity of something else. We will in that case think of the conflict as tragic, in a way that other conflicts are not. In that sense, the recognition of these binding abstractions, each distinct from every other, each continuing to

47. Plato, *Republic*, 331AB. Cephalus in fact believes that the values have an external religious origin, but that is not a necessary concomitant of this sort of value-talk.

48. Immanuel Kant, *Critique of Practical Reason*, trans. Lewis White Beck (Indianapolis: Bobbs-Merrill Educational Publishing, 1956).

49. Seneca, *Moral Epistle*, 41 (my translation). For a reasonably good edition, see the Loeb Classical Library translation by R.M. Gummere (Cambridge: Harvard University Press, 1925).

exert its claim, generates an attitude to the conflict of values that is opposed in spirit to the attitude of economic utilitarianism, and, I think, opposed in a deep and a good way.⁵⁰ Some moral views—notably those associated with cost-benefit analysis—reduce tragic conflicts of values to choices in which an agent weighs up the costs and benefits. The view I recommend, by contrast, recognizes that in a case in which two major values collide, even when we can decide which option for action is preferable on balance, the losing option may continue to exert a moral claim if it is a value to which we have given our commitment. The fact that events have produced a situation in which we cannot do justice to all the claims to which we are committed does not mean that we are no longer committed to all of them. Thus in ancient Greek ethics, the recognition that there are many gods, that one must honor all the gods, and that the gods do not always agree generates a sense of the binding force of each separate ethical obligation, even in circumstances of tragedy.⁵¹ This sense of tragedy remains alive even for those for whom the divinities in question are seen as human in origin; indeed it is important to point out that many ancient Greek divinities are difficult to distinguish from ethical abstractions that do not have transcendent status. Antigone, announcing her commitment to the binding claim of family love, even in tragic circumstances, points to the existence of “unwritten laws” that transcend human life.⁵² But other characters similarly placed simply speak of the obligations imposed by virtue and loyalty, taking these to have a merely human origin.⁵³ The point of alluding to abstractions remains much the same, and it is thought to be possible so to allude to them, whether or not one believes in their transcendence.⁵⁴

This recognition of tragedy has several serious consequences for the ethical life. First, it means that we will seek ways to make good on our commitment to a value that has lost out, for example, by making repara-

50. Oddly, Kant himself does not take up this attitude toward tragedy, because, I think, he is reluctant to admit that worldly circumstances can have such power over one's capability for goodness. On this, see my *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge: Cambridge University Press, 1986), chap. 2.

51. See *ibid.*

52. Sophocles, *Antigone*, lines 454-55; see Nussbaum, *Fragility of Goodness*, chap. 3.

53. See Nussbaum, *Fragility of Goodness*, chaps. 2 and 11 for discussion of examples in tragedy and Aristotle. An excellent recent treatment of the whole issue, and of Aristotle's position, is in Michael Stocker, *Plural and Conflicting Values* (Oxford: Clarendon Press, 1989). For contemporary legal consequences of this way of viewing conflict, see Cass Sunstein, “Incommensurability and Valuation in Law,” *Michigan Law Review* 92 (February 1994): 779. An excellent treatment of the whole issue in connection with the criticism of utilitarian models of deliberation is in Henry Richardson, *Practical Reasoning about Final Ends* (forthcoming 1995).

54. Of course, it would not be possible to admit tragic conflict if one believed that the world were governed entirely by divine justice; hence, Christian ethical views often have difficulty with the topic. Aquinas famously holds that if two values appear to conflict there must be some error, for otherwise the agent's scheme of imperatives would be logically inconsistent. For an effective discussion of the difference between the ancient Greek and the Christian views, see Alasdair MacIntyre, *After Virtue* (Notre Dame: Notre Dame University Press, 1981).

tions, or by devoting particular care to that area of our lives at other times. Second, it means that we will seek to remake the world in such a way that such conflicts more rarely arise. The recognition, for example, that many parents face painful conflicts between their commitment to and love of their children and the demands of their work can be the beginning of a creative rethinking of the structure of work, until a structure is found that can do justice to all of the claims, or at least do far better by them. If the conflict is never seen as a conflict, the rethinking is less likely to take place.

C

To appeal to abstract values can also be to assert that there are ethical standards that are independent of the norms and traditions of a particular culture, standards that can be argued to be valuable for human beings independent of the local standards that prevail. To invoke these values is thus not only to refuse to be ruled by unexamined preference and habit, it is to refuse also, at times, to be ruled at all by one's tradition, where that tradition is seen as a source of pervasive injustice. It is this sort of appeal to abstraction that I heard in the papers of Li, Verma, and Mues at the APA session. It is this sort of appeal to a right to work that Chen makes on behalf of Metha Bai. In general it is important for oppressed groups who fare badly in their traditions to be able to appeal to something that is not only outside of unreflective opinion, but also "outside" of their history and practices in this sense. This of course does not mean that justice and equality and personhood are supposed to be extra-human and ahistorical standards. For some philosophers who talk this way (e.g. Plato) they are; for others (Socrates, Aristotle, Kant, Mill), as for my secularist panelists, they are not.⁵⁵ I find it very instructive that Verma and her fellow panelists went to the Kantian enlightenment like a shot—as if it were an oasis in the desert—and not to postmodernism or relativism of any kind.⁵⁶ I think we should not forget the liberating role that such value-talk can play, in asserting the claims of the powerless to a form of life more in keeping with human dignity and personhood. Verma appeals to an abstract Kantian notion—the notion of personhood—to describe what women in her tradition lack, and lack on account of a history and tradition that have portrayed women as essentially dependent and inferior beings. She argues

55. Nor does it imply that there is nothing at all inside the tradition in question to support the appeal: often there may be, but in a temporally or culturally remote stratum of the culture's value-scheme. On India, see Amartya Sen and Martha Nussbaum, "Internal Criticism and Indian Relativist Traditions," in Michael Krausz, ed., *Relativism: Interpretation and Confrontation* (Notre Dame: Notre Dame University Press, 1989), 299.

56. In general, despite the bad reputation of Kant among many feminists, Kantian ideas of respect for personhood are a deep part of many feminist arguments. Even Kant's much-attacked views on marriage have insights of serious value. See Barbara Herman, "Could it Be Worth Thinking about Kant on Sex and Marriage?" in *A Mind of One's Own*, 49-68.

that we need to move beyond the local to the abstract, in order to describe a goal that women can endorse as their own.

D

Finally, the appeal to abstract standards can help us to systematize our beliefs and preferences. If we think of Justice as a single, abstract notion, then we are naturally led to ask the sort of irritating question Socrates repeatedly asks: What *is* justice? This question makes a big difference, since people usually turn out to hold inconsistent beliefs on important matters, and when this is pointed out to them they will shift their ground.⁵⁷ The great generals Laches and Nicias find out that they have inconsistent beliefs about courage; the good and just man Cephalus finds out that his account of justice will not survive his own scrutiny of cases; the self-styled religious expert Euthyphro finds out that he is unable to tell a straight story about what piety is.⁵⁸ In all these cases, if the person questioned had simply interrupted the conversation by saying, "What is all this abstract talk anyway? I want to talk about my own particular acts, not about abstractions," then the process of self-knowledge and social understanding would have been short-circuited.⁵⁹ The refusal to investigate the abstract universal concept in such cases is a refusal to look for a deeper consistency and unity in one's own commitments. Such a person would never have learned a crucial fact about himself, namely, that his beliefs are internally in disorder, and incapable of offering consistent guidance. The Platonic dialogues are full of instructive examples of this sort of evasion. Meno would have made a good postmodernist. He says: What's all this abstract talk, Socrates? Virtue is one thing for a man, another thing for a woman. It's all contextual.⁶⁰ But by failing to follow the Socratic question through all the way, he never gets to the deeper social understanding that, in the *Republic*, prompts a radical challenge to traditional female roles in the name of the singleness of virtue.⁶¹

By demanding consistency and a deeper reflective ordering of beliefs, Socrates was not demanding anything extra-historical. His demand was perfectly comprehensible to his interlocutors as exemplifying a norm of reason to which they paid lip service at least, even if they did not follow it out in practice. What Socrates was demanding, in effect, was not a departure from the practices of humanity, but a more serious and deeper

57. On this aspect of Socrates's activity, see Gregory Vlastos, *Socrates: Ironist and Moral Philosopher* (Ithaca: Cornell University Press, 1991).

58. See, respectively, Plato, *Laches*, *Republic 1*, *Euthyphro*.

59. Cephalus does short-circuit it, by leaving the discussion to attend to the sacrifices; but his son Polemarchus takes up the argument.

60. See Plato, *Meno*, 71E-72A.

61. *Republic V*, 459 A ff. See the excellent account of this passage in Susan Moller Okin, *Women in Western Political Thought* (Princeton: Princeton University Press, 1978).

exercise of these practices, in keeping with the idea that “the unexamined life is not worth living.”⁶² This idea, as he points out, is a peculiarly human one, for, as Plato’s *Symposium* puts it, “no god does philosophy.”⁶³ Only humans both can and need to sort things out by the work of their reason, since only they are both capable of this sort of reasoning and in need of the practical guidance it can give.

IV

Now of course all of this is subject to abuse, as Pierre Schlag’s paper argues. Abstract value-talk may conceal manipulative intentions; it may obscure the issue, rather than clarifying it. It may short-circuit the work of reflection and argument, by suggesting that what is right to do is given in heaven, and we need not work to find it. It may abnegate responsibility by representing the choices as dictated from outside, rather than chosen by us. All these are indeed serious dangers, and the recent criticism of metaphysical realism and abstraction in philosophy has done a great service by alerting us to these dangers. But let us also not forget the positive role that the moral abstractions of the Enlightenment can play, in a world increasingly riven by all sorts of particularism and contextualism and religious communitarianism, many of them quite horrifying, most of them dangerous to the well-being of women and of ethnic and sexual minorities.

Steven Winter concludes that the “real lesson” of my story of the APA panel is that even the “putatively ‘universal’ and ‘abstract’ normative values”—including liberal Enlightenment values—have a particular contingent historical origin.⁶⁴ My APA panelists were able to invoke the abstract values of justice and personhood only because those values had emerged already “through the divergent processes of cultural development.”⁶⁵ He concludes that “the relativism of human moral systems can thus be seen as an adaptive mechanism essential to any human (which is to say fallible) normative enterprise. We have no reason to want to bring our moral versatility to a stop, and much reason to carry on with it.”⁶⁶ I am not sure that I have perfectly understood what Winter is arguing here, but what he seems to say is that the values that empowered these women are (obviously) products of human history and that this therefore gives us

62. Plato, *Apology*, 38A.

63. *Symposium*, 204A (my translation):

None of the gods does philosophy or desires to become wise—for they are already. Nor, if there is anyone else who is wise, does that person do philosophy. Nor again do those who are completely uneducated pursue philosophy or desire to become wise. For this is the difficult thing about lack of education, that one is not noble or wise but one seems to oneself to be sufficient. But one doesn’t desire something whose lack one doesn’t recognize in oneself.

This poignant diagnosis of the deformation of preferences has many contemporary applications.

64. Winter, “Human Values,” 247–48.

65. *Ibid.*, 248.

66. *Ibid.*

reason to think that, in general, what is produced by human history is adaptively valuable, and gives us much reason to endorse the variety and local adaptiveness of moral systems. I do not agree. The fact that the idea of women's right to work emerged from history does not give us any reason at all to endorse the Hindu values that denied Metha Bai the right to work, or to see those values as adaptively valuable. Some things that emerge from history are good, and some are very bad. The fact that history did turn up some values that are good for women's survival and flourishing should not lead us to deny that much of human history has been gruesomely bad for women, and not adaptively valuable for them in any way. This seems to me to be a version of the skeptical maneuver I am criticizing: once we recognize that the values involved in our moral debates are human and historical, all then seem to have equal weight. But they do not have equal weight, and the bare fact that a human society invented something gives it no claim at all to our respect.

I remain in favor of a norm of justice that is not defined solely by abstract rules, but is completed by the particular understanding of the complexities of actual historical cases.⁶⁷ I continue to believe that the moral abstractions of the Enlightenment need to be completed by a more historically and contextually sensitive understanding of particular ethical situations. I continue to think that some allegedly Enlightenment-based conceptions of impartiality and neutrality err by an excessive detachment from the facts of history and from the experiences of real people. But to criticize the Enlightenment in this way is not to jettison its central insights. Among the great achievements of human ethical life within history is developing the capabilities of transcending local and partisan interests and striving toward conceptions of flourishing, of justice, and of citizenship that apply impartially to male and female, black and white, foreigner and neighbor, gay and "straight," no matter what local conventions and practices say or do not say. As Professors Verma, Li, and Mues clearly saw—and saw, on account of their oppression, more clearly than their hosts—abstract values can aid us in forging such a conception of world citizenship and even-handed justice, especially when local preferences are blind and local practices are cruel.

67. See my arguments in *Love's Knowledge*.

✦

